



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

##### ADOPTION

**MULTI-COUNTY: Lower San Joaquin Levee District**

A written comment period has been established commencing on **May 14, 2010**, and closing on **June 28, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 28, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on March 10, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than July 31, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before June 28, 2010.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

This amendment expanded portions of a contiguous quarantine area in the counties of Contra Costa, Marin, Monterey, Napa, Solano and Sonoma counties by approximately 51 square miles. The quarantine area in the Long Beach area of Los Angeles County was expanded by approximately five square miles. The Gonzales area of Monterey County was expanded by approximately seven square miles and a new quarantine area of approximately 22 square miles was established in the Soledad area of Monterey County. The Los Osos area of San Luis Obispo County was expanded by approximately four square miles. The quarantine area in Healdsburg, Sonoma County was expanded by approximately four square miles and a new quarantine area of approximately 25 square miles was established in the Kenwood area of Sonoma County.

This results in a total of approximately 4,431 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional quarantine areas. There is no existing, comparable federal regulation or statute regulating the intra-state movement.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3434. No reimbursement is required for Section 3434 under Section 17561 of the Government Code because all of the affected county agricultural commissioners requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant sta-

tewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gallon container. The actual costs may vary with the type of material used, size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations (CCR), and cannot be sold. Therefore, there are no additional mandated costs of compliance due to this regulation.

#### ASSESSMENT

The Department has made an assessment that the proposed adoption of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.



### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3700(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action on March 4, 2010. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action to the Office of Administrative Law no later than July 31, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 180 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before June 28, 2010.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The proposed emergency amendment of Section 3700(c) will establish *Choisya ternate* (Mexican orange), *Cornus kousa* (Kousa dogwood), *Daphniphyllum glaucescens*, *Ilex aquifolium* (European holly), *Lithocarpus glaber* (Japanese oak), *Magnolia cavaleri* (Michelia), *Magnolia foveolata* (Michelia), *Ribes laurifolium* (bayleaf currant), *Vaccinium myrtillus* (bilberry), *Vaccinium vitis-idaea* (cowberry, lingon berry, mountain cherry) and *Vancouveria planipetala* (Redwood ivy) as associated articles under the articles and commodities covered by the regulation.

The effect of the changes to the regulation is to provide authority for the State to regulate movement of these new "associated hosts" from the regulated area to prevent artificial spread of the pest to non-infested

areas to protect California's agricultural industry and the environment.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3700(c) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under regulation has a duty to enforce Section 3700. No reimbursement is required for Section 3700 under Section 17561 of the Government Code because the agricultural commissioners of the affected counties requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of amending the regulation on a representative private person or business is not expected to be significantly adverse. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within Califor-

nia, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department amended subsection 3700(c) pursuant to the authority vested by Sections 407, 5321 and 5322 of the Food and Agricultural Code of California.

#### REFERENCE

The Department amended subsection 3700(c) to implement, interpret and make specific Sections 24.5, 5321 and 5322, Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESSES

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted on its Internet website ([www.cdfa.ca.gov/phpps/Regulations.html](http://www.cdfa.ca.gov/phpps/Regulations.html)) the information regarding this proposed regulatory action. Select "Proposed Changes in Regulations for Plant

Health and Pest Prevention Services" and then section number(s).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

#### **TITLE 7. BOARD OF PILOT COMMISSIONERS**

#### **BUSINESS, TRANSPORTATION AND HOUSING AGENCY BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN**

#### **NOTICE OF PROPOSED RULEMAKING**

May 14, 2010

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

1. Title 7. Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 3. Officers, Committees, Employees. New Section 211.5. Commission Investigator Minimum Standards

2. Title 7. Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 6. Government of Pilots, Inland Pilots and Trainees. New subsection 219(z), relating to Portable Pilot Units.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

Descriptions of the proposed changes are as follows:

1. Title 7. Harbors and Navigation, Division 2. State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 3. Officers, Committees, Employees. New Section 211.5. Commission Investigator Minimum Standards

The Board proposes to adopt new section 211.5 in Title 7 of the California Code of Regulations in order to implement, interpret and make specific Harbors and Navigation Code section 1156 relating to minimum standards for a commission investigator.

#### AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Harbors and Navigation Code section 1154 and in order to implement, interpret, and make specific Harbors and Navigation Code section 1156.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt new section 211.5. The proposed regulation will establish minimum standards for a commission investigator. Commission investigators are used by the Board to investigate and report on misconduct or navigational incidents involving a vessel piloted by a pilot or inland pilot.

Section 211.5 establishes minimum qualifications for an applicant for a Commission Investigator with the Board. This section provides that the applicant shall meet at least two of the six minimum requirements. The applicant is required to (1) possess or have possessed a United States Coast Guard license as Master of Ocean, Near Coastal or Inland vessels of any gross tons and shall have served at least two years as Master aboard vessels, (2) possess or have possessed a United States Coast Guard license as Chief Engineer, unlimited horsepower and shall have served at least two years as Chief Engineer aboard vessels, (3) have an education equivalent to a four year degree from a maritime academy, (4) possess or have possessed a license or endorsement as first class pilot to serve as pilot from sea to the

Golden Gate Bridge or any route or subroute on waters east of the Golden Gate Bridge issued by the U.S. Coast Guard pursuant to 46 CFR Section 10.701 and Officer in Charge, Marine Inspection San Francisco Bay Instruction 16271 or successor thereto, (5) three years experience in shipboard duties as chief mate or chief engineer, and two years as a marine superintendent, port engineer, or equivalent and/or (6) three years experience as a senior U.S. Coast Guard investigative officer (Captain or Commander).

This section shall also provide for demonstration of experience or training in marine investigations by requiring either two years experience in either marine investigations or shipboard experience that includes marine investigations, or thirty or more hours of training in marine accident or incident investigative, from a marine investigative training program.

All applicants shall be required to possess a Transportation Worker Identification Credential (TWIC) issued by the Department of Homeland Security as a condition of employment or contract.

#### COST ESTIMATES OF PROPOSED ACTION

The Board has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not directly affect small business. This proposal will provide job opportunities to individual persons.



## ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The adoption of these regulations will not facilitate the creation or elimination of jobs within California. The adoption of these regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

## REASONABLE ALTERNATIVES CONSIDERED

The Board has determined that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. This proposed regulation will implement specific statute requirements.

### 2. Title 7. Harbors and Navigation, Division 2. State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 6. Government of Pilots, Inland Pilots and Trainees. New subsection 219(z), relating to Portable Pilot Units.

The Board proposes to adopt new subsection 219(z) in Title 7 of the California Code of Regulations in order to implement, interpret and make specific Harbors and Navigation Code 1171.5(b) relating to Portable Pilot Units and use by pilots and inland pilots.

## AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Harbors and Navigation Code section 1154 and in order to implement, interpret, and make specific Harbors and Navigation Code section 1171.5(b).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt new subsection 219(z). The proposed regulation will require pilots and inland pilots in the Bays of San Francisco, San Pablo, Suisun and Monterey to carry Portable Pilot Units, which are portable computers, aboard the vessels that they are piloting. This section will also require the pilots be trained in the use of the computer. A definition of Portable Pilot Unit is also added to section 202.

Section 219(z) will require pilots and inland pilots to carry a Portable Pilot Unit while piloting a vessel. This section also requires that the Portable Pilot Unit have navigational software installed and that the pilots be

trained to use the system. This section also provides that the pilot does not need to carry the Portable Pilot Unit aboard a vessel if a safety hazard is present. The pilot or inland pilot that decides not to carry the Portable Pilot Unit aboard a vessel because of a safety hazard will be required to notify the Port Agent or Executive Director. This section also provides that the use of the unit on a vessel is at the discretion of the pilot and that it will not be construed as the fault of the pilot if they choose not to use the Portable Pilot Unit.

This regulation will affect the pilots and inland pilots in the Monterey and San Francisco Bays. They will be required to purchase a computer with the applicable software and hardware for use in their daily jobs. The costs of the equipment may be reimbursable.

Section 202(q) will define the Portable Pilot Unit as a computer brought on board a vessel by a pilot to use as a support tool for navigating the vessel in confined waters. The definition section is also amended for clarity. The definition of Investigator is deleted because a definition of Commission Investigator was recently added to the statute.

## COST ESTIMATES OF PROPOSED ACTION

The Board has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not directly affect small business. This proposal will only affect the pilots and inland pilots in the Bays of San Francisco, San Pablo, Suisun and Monterey.

**ASSESSMENT REGARDING EFFECT  
ON JOBS/BUSINESS**

The adoption of these regulations will not facilitate the creation or elimination of jobs within California. The adoption of these regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

**REASONABLE ALTERNATIVES CONSIDERED**

The Board has determined that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. This proposed regulation will implement specific statute requirements.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. Written comments will be accepted by the Board until 5:00 p.m. on June 28, 2010. Submit comments to:

Terri Toohey  
Business, Transportation and Housing Agency  
980 Ninth Street, Suite 2450  
Sacramento, CA 95814  
[Terri.toohey@bth.ca.gov](mailto:Terri.toohey@bth.ca.gov)

**CONTACT PERSON**

Inquiries concerning the proposed action may be directed to:

Name: Terri Toohey  
Email: [terri.toohey@bth.ca.gov](mailto:terri.toohey@bth.ca.gov)  
Phone: 916-323-5400

The backup contact person for these inquiries is:

Name: Gabor Morocz  
Email: [gabor.morocz@bth.ca.gov](mailto:gabor.morocz@bth.ca.gov)  
Phone: 916-323-5400

Questions on the substance of the proposed regulations may be directed to:

Name: Gabor Morocz  
Email: [gabor.morocz@bth.ca.gov](mailto:gabor.morocz@bth.ca.gov)

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After the close of the forty-five (45) day public comment period, the Board may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulation are appropriate. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF INITIAL STATEMENT OF  
REASONS, RULEMAKING FILE AND EXPRESS  
TERMS OF THE PROPOSED REGULATIONS**

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Business, Transportation and Housing Agency, 980 Ninth Street, Suite 2450, California during normal business working hours (9 a.m.–5 p.m.). Please contact Terri Toohey at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Board Contact Person designated in this Notice.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

**BOARD INTERNET WEBSITE**

The Board maintains an Internet website for the electronic publication and distribution of written material.

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: [www.pilotcommission.org](http://www.pilotcommission.org).

## TITLE 10. DEPARTMENT OF INSURANCE

### NOTICE OF INTENT TO AMEND THE EXISTING CONFLICT OF INTEREST CODE FOR THE INSURANCE COMMISSIONER'S CONSERVATION & LIQUIDATION OFFICE (Title 10, Chapter 5, Subchapter 10, Article 1, Section 2698.99)

**NOTICE IS HEREBY GIVEN** that the California Department of Insurance ("CDI") proposes to amend the existing Conflict of Interest Code for the Insurance Commissioner's Conservation & Liquidation Office ("CLO"). Title 10, Chapter 5, Subchapter 10, Article 1, Section 2698.99.

#### AUTHORITY AND REFERENCE

The CDI proposes to amend the existing code pursuant to the authority of Government Code Section 87306. The purpose of the Conflict of Interest Code is to implement the requirements of Government Code sections 87300–87302, 87306, and Insurance Code section 1035.2.

#### DESCRIPTION OF THE AMENDMENTS TO THE EXISTING CONFLICT OF INTEREST CODE

The proposed amendments to the existing Conflict of Interest Code, and the provisions of the existing code which will be affected by the proposed amendments, are as follows:

1. The following positions have been eliminated from the CLO and, accordingly, are deleted from the list of designated employees
  - a. Internal Auditor
  - b. Network Operations Manager
  - c. Human Resources Manager
2. "Chief Operations Officer" is changed to "Operations Officer;" the disclosure category remains the same.
3. "Chief Reinsurance Officer" is changed to "Vice President Reinsurance;" the disclosure category remains the same.

4. "Assistant Vice President of Claims" is changed to "Claims Officer CLO;" the disclosure category remains the same.
5. "Estate Reinsurance Manager" is changed to "Reinsurance Manager;" the disclosure category remains the same.
6. "Estate Trust Manager" is added to the list of designated employees with a disclosure category of "1."
7. "Business Analyst Manager" is added to the list of designated employees with a disclosure category of "1."

#### ADDITIONAL INFORMATION

A copy of the proposed amendments to the existing Conflict of Interest Code, a written explanation of the reasons for the amendments ("Statement of Reasons"), and the information upon which the proposed amendments are based are available upon request.

#### COMMENTS

Any interested person may submit statements, arguments, or comments relating to the proposed amendments by submitting them in writing to the Contact Person set forth below. Comments sent via electronic mail ("e-mail") are acceptable. In order for the CDI to consider comments before the adoption of the amendments, they must be submitted by no later than the close of the written comment period, which is **5:00 p.m. on JULY 23, 2010**, or at the conclusion of the public hearing, if one is requested, whichever comes later.

#### PUBLIC HEARING

At this time, no public hearing is scheduled concerning the proposed amendments. However, any person, or the person's representative, may request a public hearing; such a request for a public hearing must be made **no later than 15 days prior to the close of the written comment period.**

The CDI has determined that the proposed amendments:

1. Will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code;
2. Will not result in any nondiscretionary cost or savings to local agencies;
3. Will not result in any cost or savings in federal funding to the state;
4. Will not impose a mandate on local agencies or school districts;

5. Will not have any potential cost impact on private persons or businesses including small businesses.

The CDI must determine that no alternative considered by the CDI would be more effective in carrying out the purpose for which the adoption of the amendments is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **CONTACT PERSON**

All inquiries concerning the proposed amendments to the existing Conflict of Interest Code, communications required by this notice, and comments about the proposed amendments should be directed to the following:

Jack K. Hom  
Senior Staff Counsel  
California Department of Insurance  
45 Fremont Street, 24<sup>th</sup> Floor  
San Francisco, CA 94105

(415) 538-4129  
(415) 904-5896 (fax)  
[homj@insurance.ca.gov](mailto:homj@insurance.ca.gov)

<b>GENERAL PUBLIC INTEREST</b>
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#### **DEPARTMENT OF FISH AND GAME**

##### **Department of Fish and Game — Public Interest Notice**

For Publication May 14, 2010

##### **CESA CONSISTENCY DETERMINATION REQUEST FOR**

Friant-Kern Canal Operations and Maintenance  
Kern County  
2080-2010-012-04

The Department of Fish and Game (Department) received a notice on April 27, 2010, that Friant Water Authority (FWA) proposes to rely on consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of continual routine operations and maintenance of the Friant-Kern Canal, which extends 152 miles from Milerton Lake to the Kern River four miles west of Bakersfield and covers, along with the associated right-of-

way, approximately 5,500 acres in Kern County, California (Project).

Project activities such as herbicide application; mud-jacking and pressure grouting; and canal dewatering and reflooding will have adverse impacts on the California tiger salamander (*Ambystoma Californiense*), which occurs within portions of the right-of-way for the Friant-Kern Canal.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1-1-04-F-0368)(BO) and incidental take statement (ITS) to the Bureau of Reclamation (Bureau) on February 17, 2005, which considered the effects of the Project on the Federally threatened California tiger salamander. California tiger salamander has since been listed as State threatened. Pursuant to California Fish and Game Code Section 2080.1, FWA is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, FWA will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

#### **OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**California Environmental Protection Agency  
Office of Environmental Health  
Hazard Assessment  
Notice to Interested Parties**

**May 14, 2010**

#### **ANNOUNCEMENT OF EXTENSION OF PUBLIC COMMENT PERIOD**

##### **Proposed Public Health Goal for Methoxychlor in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is hereby announcing a one-week extension of the public comment period on the draft technical support document for the proposed Public Health Goal (PHG) for methoxychlor in drinking water. The draft PHG document is currently posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) and OEHHA is soliciting comments on it from all interested parties. The public workshop will be moved to Thursday, June 3, 2010 at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 9, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the require-



ments set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

With this extension, written comments must be received at the OEHHA address below by 5:00 p.m. on June 3, 2010 to be considered during this document revision period. The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).<sup>3</sup>

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Michael Baes (mbaes@oehha.ca.gov)  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay St., 16th floor  
Oakland, California 94612

Attn: PHG project.

## OAL REGULATORY DETERMINATIONS

### OFFICE OF ADMINISTRATIVE LAW

#### DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

(Pursuant to Government Code  
Section 11340.5 and  
Title 1, section 270, of the  
California Code of Regulations)

#### CALIFORNIA PRISON INDUSTRY AUTHORITY

<sup>1</sup>Codified at Health and Safety Code, section 116270 et seq.

<sup>2</sup>Health and Safety Code section 116365(c)

<sup>3</sup>Health and Safety Code section 116365(a) and (b)

### STATE OF CALIFORNIA

#### OFFICE OF ADMINISTRATIVE LAW 2010 OAL DETERMINATION NO. 7 (OAL FILE NO. CTU2009-1109-01)

**REQUESTED BY:** DAVID THAYNE SMITH  
**CONCERNING:** Pay Schedules for California  
Prison Industry Authority  
(CalPIA) Inmates

#### DETERMINATION ISSUED PURSUANT TO GOVERN- MENT CODE SECTION 11340.5.

### SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as defined in Government Code section 11342.600<sup>1</sup> and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of "regulation," but was not adopted pursuant to the APA and should have been, it is an "underground regulation" as defined in California Code of Regulations, title 1, section 250.<sup>2</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

### CHALLENGED RULE

Department Operations Manual (DOM)<sup>3</sup> section 51121.5, titled "PIA Inmate Pay Schedules," enforced by the California Prison Industry Authority (CalPIA) (attached as Exhibit "A" hereto).

<sup>1</sup>Unless otherwise specified, all references are to the Government Code.

<sup>2</sup>As defined by title 1, section 250(a), an "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

<sup>3</sup>The DOM is published by the California Department of Corrections and Rehabilitation and contains provisions that are enforced by CalPIA.



## DETERMINATION

OAL determines that CalPIA's Inmate Pay Schedules (herein referred to as DOM section 51121.5) meet the definition of "regulation" that should have been adopted pursuant to the APA.

## FACTUAL BACKGROUND

On November 9, 2009, David Thayne Smith submitted a petition to OAL requesting a determination as to whether the challenged rule (DOM section 51121.5), is an underground regulation. DOM section 51121.5 provides for the assignment of inmate positions to certain job categories and an hourly pay step schedule, as well as the maximum percentage of the inmate work force allowed in each skill level. CalPIA did not respond to the Petition and no comments were received by OAL from the public.

## UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of "regulation" as defined in section 11342.600 and should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is not enforceable against the agency through any formal administrative means, but it is entitled to "due deference" in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

## ANALYSIS

OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a "regulation" subject to the APA. This analysis

will determine (1) whether the challenged rule is a "regulation" within the meaning of section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, § 11342, subd. (g)).<sup>4</sup>

As stated in *Tidewater*, the first element used to identify a "regulation" is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.

DOM section 51121.5 applies to all inmates of California prisons who are employed by the CalPIA. Inmates employed by the CalPIA is a clearly defined class. Therefore, the first element of *Tidewater* is met.

The second element used to identify a "regulation" as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure.

California Penal Code section 2811 states:

Commencing July 1, 2005, the general manager [of the CalPIA] shall adopt and maintain a compensation schedule for inmate employees. That compensation schedule shall be based on quantity and quality of work performed and shall be required for its performance, but in no event shall that compensation exceed one-half the minimum wage provided in Section 1182 of the Labor Code, except as otherwise provided in this

<sup>4</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

code. This compensation shall be credited to the account of the inmate.

Inmate compensation shall be paid from the Prison Industries Revolving Fund.

DOM section 51121.5 establishes hourly wage rates and steps for inmate workers, as well as the maximum percentage of the inmate work force in each skill level. As such, it establishes a compensation schedule for inmate employees as required by Penal Code section 2811. DOM section 51121.5 is used by CalPIA as the "compensation schedule for inmate employees."

CalPIA is therefore implementing, interpreting or making specific Penal Code section 2811. Therefore, the second element of *Tidewater* is met.

The challenged rule, therefore, meets the definition of "regulation" in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to section 11346, the procedural requirements established in the APA "shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*" (Emphasis added.)

CalPIA has not identified an express statutory exemption from the APA that would apply to the Inmate Pay Schedules, nor did OAL find such an exemption.

#### AGENCY RESPONSE

On December 18, 2009, CalPIA was notified that OAL accepted this petition for consideration and of the opportunity to respond by February 16, 2010. No response was received from CalPIA.

#### CONCLUSION

In accordance with the above analysis, OAL determines that DOM section 51121.5 meets the definition of "regulation" and should have been adopted pursuant to the APA.

Date: 4/29/10 /s/  
SUSAN LAPSLEY  
Director

cc: Charles Patillo, General Manager  
Prison Industry Authority

/s/  
Elizabeth A. Heidig  
Staff Counsel

#### Exhibit A

#### 51121.5 PIA Inmate Pay Schedules

Hourly wage rates shall be approved by the PIA and published by the PIA. All PIA inmate positions are to be assigned to one of the following levels:

#### Hourly Pay Schedule

Title	Step I	Step II	Step III
Leadperson (AA)	\$.75	\$.85	\$.95
Special Skills (A)	.65	.70	.75
Technician (B)	.55	.60	.65
Semi-Skill (C)	.45	.50	.55
Laborer (D)	.30	.35	.40

For each enterprise, the percentage of the inmate work force in each skill level shall not exceed the following:

Leadperson (AA)/Special Skills (A) 25 percent  
Technician (B) 25 percent  
Semi-Skill (C) 25 percent  
Laborer (D) 25 percent

#### OFFICE OF ADMINISTRATIVE LAW DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code  
Section 11340.5 and  
Title 1, section 270, of the  
California Code of Regulations)

#### DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: April 26, 2010  
To: Robert Dickerson  
From: Chapter Two Compliance Unit  
Subject: **2010 OAL DETERMINATION NO. 6(S)**  
**(CTU2010-0322-01)**  
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Unauthorized Possession of Razor Blades

On March 22, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a prohibition against the possession of razor blades by inmates constitutes an underground regulation. The rule is found in two memoranda,

dated November 7, 2002, and December 4, 2002. The memoranda prohibit all inmates of Pelican Bay State Prison from possession a razor blade except under the direct supervision of prison staff. The memoranda were issued by the warden at Pelican Bay State Prison and are attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).<sup>2</sup> Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4<sup>th</sup> 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering

or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition applies solely to the inmates of Pelican Bay State Prison. It was issued by Joe McGrath, Warden of Pelican Bay State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for the possession of razor blades. The rule you challenged was issued by Pelican Bay State Prison, and applies only to inmates at Pelican Bay State Prison. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.<sup>3</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/  
SUSAN LAPSLEY  
Director

/s/  
Kathleen Eddy  
Senior Counsel

Copy: Matthew Cate  
Timothy Lockwood  
John McClure

<sup>3</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

**(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

<sup>1</sup> “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

**Exhibit A**

State of California

**Memorandum**

Date : November 7, 2002  
 To : All Correctional Lieutenants  
 From : Department of Corrections  
 Pelican Bay State Prison, P.O. Box 7000,  
 Crescent City, CA 95532-7000  
 Subject : RAZOR BLADES AS WEAPONS

At Pelican Bay State Prison (PBSF), possession of razor blades by inmates is controlled due to the issuance and retrieval of razor blades by staff. A determination has been made by the Classification Services Unit (CSU) that based on the fact that PBSP controls the possession of razor blades by inmates, that if an inmate is found in possession of a razor blade outside the case, CSU will support a finding of guilt for Possession of a Weapon, a Division A-1 offense, and the accompanying SHU term for Possession of a Weapon.

To support the charge and findings of possession of a weapon, the fact that razor blades are a controlled item at PBSP must be indicated in the the circumstances of the Rules Violation Report, CDC 115. This must be included in the circumstances to advise the inmate as to the reason for the designation of "Possession of a Weapon," an A-1 offense, versus "Dangerous Contraband," a Division C offense. Additionally, this provides the inmate with the information necessary to prepare a defense to the possession of a weapon.

If you have any questions or concerns in this matter, please contact Nancy Threm, Correctional Counselor II, at extension 7753.

*Original signed by:*

/s/

JOE MCGRATH  
 Warden

State of California

**Memorandum**

Date : December 4, 2002  
 To : All concerned  
 From : Department of Corrections  
 Pelican Bay State Prison, P.O. Box 7000,  
 Crescent City, CA 95532-7000  
 Subject : INSTITUTIONAL POLICY ON RAZORS AND RAZOR BLADES AS DEADLY WEAPONS

This reaffirms the policy of this institution concerning inmate possession of razors and razor blades. Inmates will be issued a razor for immediate use under

strict staff supervision. The razor must be returned, intact, after use to the issuing staff member.

Inmates are not allowed to possess razors at any time except as described above. Possession of a razor blade, with or without additional modification, will be considered POSSESSION OF A DEADLY WEAPON.

This policy applies to all inmates housed inside the secure perimeter of the institution.

*Original signed by:*

/s/

JOE MCGRATH  
 Warden

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0323-01  
 BOARD OF OCCUPATIONAL THERAPY  
 Minimum Standards for Infection Control

This action implements Business and Professions Code section 2570.28, adopting standards for infection control to help protect occupational therapy patients by reducing the risk of transmission of infectious diseases between patients and to and from the Board's licensees.

Title 16  
 California Code of Regulations  
 ADOPT: 4175  
 Filed 05/04/2010  
 Effective 06/03/2010  
 Agency Contact: James Schenk (916) 263-2249

File# 2010-0423-01  
 CALIFORNIA POLLUTION CONTROL  
 FINANCING AUTHORITY  
 Extension of Previously Adopted CPCFA Emergency Regulations

The rulemaking amends Title 4 sections relating to pollution control revenue bonds to add a new fee category associated with the sale of the bonds, and to reduce a fee that funds the Small Business Assistance Fund. Specifically, any bond issued that is not eligible for al-



location of volume cap pursuant to 26 USC 146 triggers a new fee of one tenth of one percent of the face value of bonds issued and an annual fee of five one-hundredths of one percent of the outstanding balance yearly with a minimum of \$1,000 and a maximum of \$75,000. This rulemaking is also amending the small business fund assistance fees and adding new language that projects submitted by eligible small businesses that are not eligible for volume cap allocations would be required to pay the new annual fees being established. This rulemaking also makes other non-substantive clarifying changes.

Title 4  
California Code of Regulations  
AMEND: 8034, 8035, 8042, 8043  
Filed 04/29/2010  
Effective 04/29/2010  
Agency Contact:  
Samantha Russell (916) 654-6061

File# 2010-0323-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Light Brown Apple Moth Interior Quarantine

This certificate of compliance makes permanent six prior emergency regulatory actions (OAL file nos. 2009-0716-04 E, 2009-0730-04 E, 2009-0810-01 E, 2009-0901-04 E, 2009-0922-04 E and 2009-1005-02 E) (and the emergency readoption of four of the foregoing emergencies in OAL file no. 2010-0104-03 EE). The referenced matters established or enlarged quarantine areas for the Light Brown Apple Moth (*Epiphyas postvittana*) in Alameda, Contra Costa, Monterey, San Benito, Santa Clara, Solano, Sonoma, San Joaquin, Los Angeles, San Luis Obispo and Napa Counties.

Title 3  
California Code of Regulations  
AMEND: 3434(b), 3434(c) and 3434(d)  
Filed 05/03/2010  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2010-0427-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Oriental Fruit Fly Interior Quarantine

The Department of Food and Agriculture adopted this emergency amendment to title 3, California Code of Regulations, section 3423(b) to remove the quarantine controls on host produce of the oriental fruit fly, *Bactrocera dorsalis* sp., in approximately 84 square miles surrounding the La Verne area of Los Angeles and San Bernardino counties. The oriental fruit fly was jointly declared eradicated by the United States Department of Agriculture, the agricultural commissioners of

Los Angeles and San Bernardino counties, and the Department from the La Verne area of Los Angeles County effective April 22, 2010, based on the last finding of the fly in a trap on August 24, 2009.

Title 3  
California Code of Regulations  
AMEND: 3423(b)  
Filed 05/04/2010  
Effective 05/04/2010  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2010-0426-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
European Grapevine Moth Interior Quarantine

The Department of Food and Agriculture adopted this emergency regulatory action to amend title 3, California Code of Regulations, section 3437. The action expands the quarantine areas for the European Grapevine Moth (EGVM), *Lobesia botrana*, in Napa and Sonoma counties by approximately 113 square miles, bringing the total statewide to approximately 332 square miles.

Title 3  
California Code of Regulations  
AMEND: 3437(b)  
Filed 05/04/2010  
Effective 05/04/2010  
Agency Contact:  
Susan McCarthy (916) 654-1017

File# 2010-0426-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Light Brown Apple Moth Interior Quarantine

The Department of Food & Agriculture adopted this emergency amendment to title 3, California Code of Regulations, section 3434(b) to expand quarantine areas for the Light Brown Apple Moth (LBAM), *Epiphyas postvittana*, in several counties due to recent LBAM detections. A portion of contiguous quarantine area in the counties of Contra Costa, Monterey, San Benito and Sonoma counties has been expanded by approximately 62 square miles. This results in a total of approximately 4,668 square miles under regulation within the State.

Title 3  
California Code of Regulations  
AMEND: 3434(b)  
Filed 05/04/2010  
Effective 05/04/2010  
Agency Contact:  
Stephen S. Brown (916) 654-1017



File# 2010-0319-01

**DEPARTMENT OF INSURANCE**

**Workers' Compensation Pure Premium Rates**

This action makes annual amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995. The plans are incorporated by reference in 10 CCR sections 2318.6, 2353.1 and 2354 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

Title 10

California Code of Regulations

AMEND: 2318.6, 2353.1, 2354

Filed 04/28/2010

Effective 01/01/2010

Agency Contact:

Christopher A. Citko (916) 492-3187

File# 2010-0319-02

**DEPARTMENT OF INSURANCE**

**Worker's Compensation Pure Premium Rates**

This action makes amendments to the California Workers' Compensation Experience Rating Plan—1995. The plan is incorporated by reference in 10 CCR section 2353.1 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

These amendments are exempt from OAL review under the rates, prices or tariffs exemption of Government Code section 11340.9(g). These amendments become operative January 1, 2011.

Title 10

California Code of Regulations

AMEND: 2353.1

Filed 04/28/2010

Effective 01/01/2011

Agency Contact:

Christopher A. Citko (916) 492-3187

File# 2010-0319-03

**DEPARTMENT OF INSURANCE**

**Workers' Compensation Pure Premium Rates**

This action makes amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995. The plan is incorporated by reference in 10 CCR section 2318.6 with full text being available at the

Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

These amendments are exempt from OAL review under the rates, prices or tariffs exemption of Government Code section 11340.9(g). These amendments are operative July 1, 2010.

Title 10

California Code of Regulations

AMEND: 2318.6

Filed 04/28/2010

Effective 07/01/2010

Agency Contact:

Christopher A. Citko (916) 492-3187

File# 2010-0427-01

**DEPARTMENT OF MENTAL HEALTH**

**Individualized Education Program Timeline**

These changes without regulatory effect update a cross reference to conform to the renumbering of definitions in another regulation section; lengthen the time allowed for completion of an assessment that is based upon assuring its availability at a meeting to correspond to the longer period of time allowed for the preparation of the assessment and scheduling of that meeting specified in an applicable statutes; and add an appropriate reference citation identifying the source of the changed time limit.

Title 2

California Code of Regulations

AMEND: 60040, 60045

Filed 05/03/2010

Agency Contact: Steven Appel (916) 654-2319

File# 2010-0323-05

**DEPARTMENT OF MENTAL HEALTH**

**Contraband Electronic Devices**

This rulemaking is the certificate of compliance for 2009-1015-04E that added in title 9 a new chapter 16 titled, "State Hospital Operations" and adopted new section 4350 dealing with contraband electric devices.

Title 9

California Code of Regulations

ADOPT: 4350

Filed 04/28/2010

Effective 04/28/2010

Agency Contact: Steven Appel (916) 654-2319

File# 2010-0423-08

**FISH AND GAME COMMISSION**

**Ocean Salmon Sport Fishing**

This rulemaking action establishes the ocean salmon sport fishing season dates and minimum permitted fish

sizes for designated regions of coastal California for the 2010 fishing season. The rulemaking conforms state regulations, which govern the ocean from shore to a distance of three miles, to the federal National Marine Fisheries Service rules for salmon sport fishing for the ocean from a distance of three miles from shore to a distance of 200 miles from shore.

Title 14  
California Code of Regulations  
AMEND: 27.80  
Filed 04/30/2010  
Effective 04/30/2010  
Agency Contact:  
Sherrie Fonbuena (916) 654-9866

File# 2010-0329-02  
MANAGED RISK MEDICAL INSURANCE BOARD  
Healthy Families Program — Legal Immigrants

This regulatory action changes the eligibility requirements an individual must meet to re-qualify for another year of the Healthy Families Program to require the production of immigration status documentation showing continuing legal residence.

Title 10  
California Code of Regulations  
AMEND: 2699.6625  
Filed 05/04/2010  
Effective 05/04/2010  
Agency Contact: Dianne Knox (916) 324-0592

File# 2010-0323-04  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
Hot Pipes and Hot Surfaces

The Occupational Safety and Health Standards Board proposed to amend section 3308 of Title 8 of the California Code of Regulations. The section currently requires employers to insulate or guard hot pipes and hot surfaces “capable of burning human tissue on momentary contact” that are located within 7 feet vertically from the floor or working level or within 15 inches measured horizontally from stairways, ramps or fixed ladders. The phrase “capable of burning human tissue on momentary contact” is replaced with “of 140 degrees F (60 degrees C) or higher.”

Title 8  
California Code of Regulations  
AMEND: 3308  
Filed 05/05/2010  
Effective 06/04/2010  
Agency Contact: Marley Hart (916) 274-5721

File# 2010-0322-01  
OFFICE OF SPILL PREVENTION AND RESPONSE  
Contingency Plans/Drills and Exercises

This rulemaking amends title 14 section 820.01 of the California Code of Regulations. The amendments include information and procedures for using an Independent Drill Monitor (IDM) to receive credit for National Preparedness for Response Exercise Program objectives and California objectives if a California scenario is used. The amendment establishes the application content, review procedures, approval and renewal procedures, due process for denial of an application and the exercise participation process for IDM's. The amendment also details the three options for obtaining credit for an out-of-state exercise. Additional changes include an amendment to the notice requirements for in-state drills/exercises and an expansion of the drill documentation that is required.

Title 14  
California Code of Regulations  
AMEND: 820.01  
Filed 05/03/2010  
Effective 07/01/2010  
Agency Contact:  
Joy D. Lavin-Jones (916) 327-0910

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN December 2, 2009 TO  
April 28, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

05/03/10 AMEND: 60040, 60045  
04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2  
04/08/10 AMEND: 1859.76  
03/23/10 AMEND: 18351  
03/19/10 ADOPT: 59670  
03/19/10 AMEND: 18942 REPEAL: 18630  
03/11/10 AMEND: 18932.4  
02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02  
02/23/10 AMEND: div. 8, ch. 16, sec. 37000  
02/19/10 AMEND: 52400  
02/11/10 ADOPT: 18421.9 AMEND: 18431  
02/11/10 AMEND: 18950.3

02/09/10 ADOPT: 59660  
 01/26/10 ADOPT: 1899.570, 1899.575, 1899.580,  
 1899.585  
 01/25/10 AMEND: 58100  
 01/19/10 AMEND: div.8, ch. 102, sec. 59100  
 01/14/10 AMEND: Section 27000  
 01/13/10 ADOPT: div. 8, ch. 119, sec. 59640  
 01/11/10 ADOPT: 18229.1, 18944 REPEAL:  
 18944  
 01/05/10 AMEND: div. 8, ch. 49, sec. 53800  
 12/22/09 AMEND: 1859.96, 1859.148.2,  
 1859.166.2  
 12/21/09 AMEND: 1896.4, 1896.12  
 12/21/09 ADOPT: 20714.5 AMEND: 20711,  
 20712, 20714, 20716, 20717, 20718,  
 20719

**Title 3**

05/04/10 AMEND: 3423(b)  
 05/04/10 AMEND: 3437(b)  
 05/04/10 AMEND: 3434(b)  
 05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)  
 04/22/10 AMEND: 3434(b)  
 04/22/10 AMEND: 3406(b), 3406(c)  
 04/20/10 AMEND: 3437(b)  
 04/15/10 AMEND: 3434(b)  
 04/05/10 AMEND: 3434(b)  
 03/24/10 ADOPT: 3436  
 03/24/10 AMEND: 3588  
 03/17/10 AMEND: 3423(b)  
 03/15/10 AMEND: 3434(b)  
 03/10/10 AMEND: 3591.20(a)  
 03/10/10 AMEND: 3434(b)  
 03/04/10 AMEND: 3700(c)  
 03/04/10 AMEND: 3406(b)  
 03/03/10 REPEAL: 3279, 3433  
 03/03/10 AMEND: 3591.20  
 03/03/10 AMEND: 3406(b)  
 03/03/10 AMEND: 3423(b)  
 03/03/10 ADOPT: 3437  
 02/26/10 AMEND: 3435  
 02/18/10 AMEND: 3591.23  
 02/18/10 ADOPT: 3591.24  
 01/25/10 AMEND: 3434(b)  
 01/25/10 AMEND: 3406(b)  
 01/25/10 ADOPT: 1430.54, 1430.55, 1430.56,  
 1430.57  
 01/19/10 ADOPT: 3436  
 01/12/10 AMEND: 3434(b)  
 01/11/10 AMEND: 3406(b) and (c)  
 01/06/10 AMEND: 3435(b)  
 01/04/10 AMEND: 2675, 2734, 2735  
 12/31/09 AMEND: 3434(b), (c), (e)  
 12/29/09 AMEND: 3423(b)  
 12/28/09 AMEND: 3434(b)

12/28/09 AMEND: 3434(b)  
 12/16/09 AMEND: 3591.20(a)  
 12/16/09 AMEND: 3406(b)(c)

**Title 4**

04/29/10 AMEND: 8034, 8035, 8042, 8043  
 04/13/10 ADOPT: 12350, 12351, 12352, 12353,  
 12354, 12355 AMEND: 12008, 12335,  
 12340, 12342, 12343 renumbered as and  
 merged with amended 12342, 12344  
 renumbered as and merged with amended  
 12345, and 12348 renumbered as 12346  
 REPEAL: 12347  
 04/06/10 ADOPT: 12372, 12395, 12396 AMEND:  
 12370  
 03/29/10 AMEND: 1685  
 03/29/10 AMEND: 1632  
 03/25/10 AMEND: 10175, 10176, 10177, 10178,  
 10179, 10180, 10181, 10182, 10185,  
 10187, 10188, 10190  
 03/15/10 ADOPT: 12482  
 02/01/10 AMEND: 1867  
 01/29/10 AMEND: 1866  
 01/27/10 AMEND: 10020  
 01/27/10 AMEND: 1890  
 01/27/10 AMEND: 1859  
 01/27/10 AMEND: 1843.6 and 1858  
 12/17/09 AMEND: 8070, 8072, 8073, 8074  
 12/09/09 AMEND: 12388  
 12/08/09 ADOPT: 12218.8, 12218.9, 12238,  
 12239 AMEND: 12200.9, 12200.10A,  
 12200.11, 12200.13, 12203.2, 12205.1,  
 12218, 12218.7, 12220.13, 12220.18,  
 12220.23, 12225.1, 12233, 12235

**Title 5**

04/15/10 AMEND: 19816, 19816.1  
 04/12/10 REPEAL: 40503  
 04/12/10 AMEND: 42002  
 02/26/10 AMEND: 19824, 19851, 19854  
 02/01/10 ADOPT: 70030, 70040, 71135, 71320,  
 71390, 71395, 71400.5, 71401, 71475,  
 71480, 71485, 71640, 71650, 71655,  
 71716, 71750, 71760, 74110, 74115,  
 76020, 76140, 76212, 76240 AMEND:  
 70000, 70010, 70020, 71100, 71110,  
 71120, 71130, 71140, 71150, 71160,  
 71170, 71180, 71190, 71200, 71210,  
 71220, 71230, 71240, 71250, 71260,  
 71270, 71280, 71290, 71300, 71310,  
 71340, 71380, 71400, 71405, 71450,  
 71455, 71460, 71465, 71470, 71500,  
 71550, 71600, 71630, 71700, 71705,  
 71710, 71715, 71720, 71730, 71735,  
 71740, 71745, 71770, 71810, 71850,  
 71865, 71920, 71930, 74000, 74002,

74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010	01/04/10	AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225
	12/18/09	AMEND: 41905
	12/16/09	ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846
	12/16/09	ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736
	<b>Title 8</b>	
	05/05/10	AMEND: 3308
	04/06/10	AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8
	03/24/10	AMEND: 4301
	03/10/10	AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B
	02/03/10	AMEND: 5155
	02/02/10	AMEND: 1549(h)
	12/09/09	AMEND: 9812, 10111.2
	12/02/09	AMEND: 4086
	<b>Title 9</b>	
	04/28/10	ADOPT: 4350
	04/20/10	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533
	12/21/09	ADOPT: 9550
	12/21/09	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533
	<b>Title 10</b>	
	05/04/10	AMEND: 2699.6625
	04/28/10	AMEND: 2318.6
	04/28/10	AMEND: 2318.6, 2353.1, 2354
	04/28/10	AMEND: 2353.1
	04/21/10	AMEND: 2699.202
	04/21/10	AMEND: 2699.202
	04/13/10	ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10
	04/12/10	AMEND: 2690
	04/06/10	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10
	04/01/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404,
01/21/10	ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709	
01/21/10	ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5	



	1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122		
03/29/10	AMEND: 2202, 2203		04/01/10 AMEND: 1961, 1961.1
03/18/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507		04/01/10 AMEND: 1961, 1961.1
02/23/10	ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911		03/25/10 AMEND: 2480
02/23/10	ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g))		03/04/10 ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14
02/03/10	AMEND: 2695.85		03/03/10 AMEND: 423.00
01/21/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741		02/22/10 AMEND: 350.36, 350.38, 350.40, 350.44, 350.46
01/07/10	AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4		01/14/10 ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978
12/15/09	REPEAL: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5		01/05/10 AMEND: 553.70
12/08/09	AMEND: 2699.6603		12/31/09 AMEND: 2449, 2449.1, 2449.2
12/07/09	ADOPT: 2309.2, 2309.3, 2309.4, 2309.5, 2309.6, 2309.7, 2309.8, 2309.9, 2309.10, 2309.11, 2309.12, 2309.13, 2309.14, 2309.15, 2309.16, 2309.17, 2309.18, 2309.20		12/31/09 AMEND: 2449, 2449.1, 2449.2
12/03/09	AMEND: 2698.600, 2698.602		12/15/09 ADOPT: 155.07 AMEND: 155.05
<b>Title 11</b>			12/09/09 ADOPT: 2025
04/21/10	AMEND: 1084		12/03/09 AMEND: 425.01
03/30/10	AMEND: 1084	<b>Title 13, 17</b>	
01/11/10	38.3	12/03/09	AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5
01/05/10	AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911	<b>Title 14</b>	
<b>Title 13</b>		05/03/10	AMEND: 820.01
04/27/10	AMEND: 1160.3, 1160.4	04/30/10	AMEND: 27.80
04/13/10	AMEND: 1201, 1212, 1213	04/27/10	AMEND: 632
04/05/10	ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409	04/20/10	AMEND: 895.1, 914.6, 934.6, 954.6, 1024, 1025, 1026, 1030, 1052, 1052.1, 1052.4, 1092, 1092.01, 1092.09, 1092.29
		03/29/10	ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 REPEAL: 18456.2.1, 18460.2.1
		03/10/10	AMEND: 670.5
		02/23/10	AMEND: 1052(a)
		02/18/10	AMEND: 155
		02/16/10	ADOPT: 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F, Appendix G
		02/09/10	ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74, 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81, 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80, 27.92, 29.90, 700, 701
		02/03/10	AMEND: 11960
		02/01/10	AMEND: 1257
		01/29/10	AMEND: 791.7, 792
		01/28/10	AMEND: 2090, 2425, 2525, 2530



01/14/10 ADOPT: 749.5  
 01/13/10 REPEAL: 1.18  
 01/08/10 AMEND: 4970.00, 4970.01, 4970.05,  
 4970.06.1, 4970.07, 4970.07.2, 4970.08,  
 4970.10, 4970.10.1, 4970.10.3,  
 4970.10.4, 4970.11, 4970.14.1,  
 4970.14.3, 4970.15.1, 4970.15.2,  
 4970.15.3, 4970.17, 4970.19, 4970.19.2,  
 4970.19.4, 4970.20, 4970.21, 4970.22,  
 4970.24, 4970.25.1, 4970.26  
 12/29/09 AMEND: 4609  
 12/21/09 AMEND: 670.5  
 12/21/09 AMEND: 2310, 2320  
 12/02/09 AMEND: 699.5

**Title 15**

04/26/10 ADOPT: 3720, 3721, 3721.1, 3722, 3723  
 02/24/10 AMEND: 7001  
 02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544,  
 3545, 3546, 3547, 3548, 3560, 3561,  
 3562, 3563, 3564, 3565  
 02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1,  
 3054.2, 3054.3 (renumbered to 3054.4),  
 3054.4 (renumbered to 3054.5), 3054.5  
 (renumbered to 3054.6), 3054.6  
 (renumbered to 3054.7)  
 01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1,  
 3041, 3041.2, 3043, 3043.1, 3043.3,  
 3043.4, 3043.5, 3043.6, 3044, 3045,  
 3045.1, 3045.2, 3045.3 REPEAL: 3040.2  
 01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C),  
 3075.3(c), 3505 AMEND: 3000, 3075.2,  
 3075.3, 3502, 3504  
 01/07/10 AMEND: 1, 100, 102, 260, 261, 262, 263,  
 351, 352, 353, 354, 355, 356, 358, 1006,  
 1010, 1029, 1032, 1045, 1055, 1056,  
 1063, 1081, 1083, 1084, 1100, 1122,  
 1140, 1160, 1245, 1260, 1264, 1272,  
 1280  
 01/07/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3  
 REPEAL: 3999.6  
 12/29/09 ADOPT: 3378.3 AMEND: 3000, 3378.1  
 12/21/09 AMEND: 3287, 3290

**Title 16**

05/04/10 ADOPT: 4175  
 04/27/10 AMEND: 1399.152, 1399.153.3,  
 1399.160.3, 1399.160.4  
 04/12/10 ADOPT: 3340.36.1  
 03/29/10 ADOPT: 1355.4  
 03/16/10 ADOPT: 311.1  
 03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1,  
 1017.1  
 03/08/10 AMEND: 4100  
 02/24/10 AMEND: 4120  
 02/22/10 ADOPT: 2262.1 AMEND: 2262

02/18/10 ADOPT: 50.1  
 02/16/10 ADOPT: 318.1  
 01/06/10 AMEND: 1505  
 01/06/10 ADOPT: 2.4  
 01/06/10 ADOPT: 1735, 1735.1, 1735.2, 1735.3,  
 1735.4, 1735.5, 1735.6, 1735.7, 1735.8  
 AMEND: 1751, 1751.01, 1751.02,  
 1751.1, 1751.2, 1751.3, 1751.4, 1751.5,  
 1751.6, 1751.7, 1751.8, 1751.9  
 REPEAL: 1716.1, 1716.2, 1751.1,  
 1751.6, 1751.9  
 12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87,  
 87.1, 87.7, 88, 88.1, 88.2, 89  
 12/16/09 ADOPT: 3340.45 AMEND: 3340.5,  
 3340.15, 3340.16, 3340.42  
 12/10/09 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48,  
 48.1, 48.2, 48.3, 48.5, 48.6  
 12/09/09 AMEND: 1314.1  
 12/03/09 AMEND: 1338

**Title 17**

04/15/10 AMEND: 95480.1, 95481, 95486  
 04/07/10 AMEND: 1031.2, 1031.3  
 02/08/10 AMEND: 95362, 95365, 95366, 95367,  
 95368  
 01/12/10 ADOPT: 95480, 95480.1, 95481, 95482,  
 95483, 95484, 95485, 95486, 95487,  
 95489, 95490  
 12/28/09 ADOPT: 95340, 95341, 95342, 95343,  
 95344, 95345, 95346  
 12/17/09 ADOPT: 100600, 100601, 100602,  
 100603, 100604, 100605, 100606,  
 100607, 100608, 100609, 100610,  
 100611  
 12/14/09 ADOPT: 95320, 95321, 95322, 95323,  
 95324, 95325, 95326  
 12/09/09 ADOPT: 95300, 95301, 95302, 95303,  
 95304, 95305, 95306, 95307, 95308,  
 95309, 95310, 95311

**Title 18**

04/14/10 AMEND: 192, 193, 371  
 03/30/10 ADOPT: 3500 AMEND: 2300, 2401,  
 3502, 4041, 4500, 4508, 4701, 4702,  
 4703, 4901  
 03/19/10 ADOPT: 25101.3 AMEND: 25137-7  
 03/17/10 AMEND: 1699  
 03/16/10 AMEND: 312(a)  
 03/16/10 AMEND: 1597  
 01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508,  
 2509, 2512, 2513, 2514, 2525, 2530,  
 2535, 2536, 2537, 2538, 2540, 2541,  
 2542, 2543, 2544, 2557, 2560, 2561  
 01/20/10 AMEND: 5237, 5266

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01/21/10 ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652

**Title 22**

04/08/10 AMEND: 50778  
 04/05/10 AMEND: 4446.5  
 03/03/10 AMEND: 70055, 70577, 70703, 70706, 70707, 70717, 70749, 70751, 70753, 71053, 71203, 71205, 71503, 71507, 71517, 71545, 71551, 71553, 72091, 72109, 72303, 72311, 72315, 72319, 72337, 72413, 72423, 72433, 72453, 72461, 72471, 72515, 72523, 72525, 72528, 72543, 72547, 73077, 73089, 73301, 73303, 73311, 73313, 73315, 73325, 73329, 73399, 73409, 73449, 73469, 73479, 73489, 73517, 73519, 73523, 73524, 73543, 73547, 79315, 79351, 79637, 79689  
 02/24/10 ADOPT: 97177.10, 97177.15, 97177.20, 97177.25, 97177.30, 97177.35, 97177.45, 97177.50, 97177.55, 97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.50, 97200 AMEND: 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97194 (renumbered as 97199), 97196, 97198  
 02/23/10 AMEND: 7000  
 01/27/10 AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426  
 01/21/10 AMEND: 455.5–6, 455.5–7, 455.5–8  
 12/31/09 AMEND: 97018, 97019, 97215, 97216, 97222, 97225, 97226, 97227, 97231, 97232, 97234, 97240, 97241, 97244, 97245, 97246, 97249, 97260, 97261, 97264, 97267  
 12/21/09 AMEND: 7314

**Title 22, MPP**

03/04/10 ADOPT: 89475.1, 89475.2 AMEND: 89200, 89201, 89202, 89205, 89206, 89207, 89218, 89219, 89219.1, 89219.2, 89224, 89226, 89227, 89228, 89229, 89231, 89234, 89235, 89240, 89242, 89244, 89246, 89252, 89254, 89255, 89255.1, 89256, 89286, 89317, 89318, 89319, 89323, 89361, 89370, 89372, 89373, 89374, 89376, 89377, 89378, 89379, 89387, 89387.1 renumbered as 89387(h), 89387.2, 89388, 89400,

89405, 89410, 89420, 89421, 89465, 89468, 89469, 89475, 89510.1, 89510.2, 89565.1, 89566, 89569.1, 89572.2, 89587.1 REPEAL: 89245, 89261, 89570.1

02/04/10 ADOPT: 84074 AMEND: 83074, 83087, 84087, 84274, 86074, 86087, 86574, 89374

**Title 23**

03/10/10 AMEND: 3005  
 03/04/10 ADOPT: 2631.2  
 02/25/10 ADOPT: 3919.6  
 02/24/10 ADOPT: 3919.7  
 02/22/10 ADOPT: 2631.2  
 01/26/10 AMEND: 3939.10  
 12/15/09 AMEND: 2200

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12/02/09 ADOPT: 1–702 AMEND: 1–701

**Title 25**

03/26/10 AMEND: 10001  
 02/25/10 ADOPT: 6200, 6201, 6202, 6203  
 01/29/10 AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336, 5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042

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04/09/10 ADOPT: 22100, 22101, 22103, Division 2 Form CalRecycle 114 AMEND: 20164, 21200, 21570, 21640, 21685, 21820, 21840, 21865, 21880, 22102, 22211, 22220, 22221, 22231, 22234, 22245, 22248, Division 2 Appendix 3, Division 2 form Calrecycle 100, Division 2 form Calrecycle 106  
 03/10/10 AMEND: 25903  
 12/17/09 ADOPT: 10010 REPEAL: 10010  
 12/02/09 AMEND: 27001

**Title 28**

12/18/09 ADOPT: 1300.67.2.2

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02/26/10 ADOPT: 31–021 AMEND: 31–003, 31–410, 31–501  
 01/29/10 ADOPT: 91–101, 91–110, 91–120, 91–130, 91–140

12/22/09 AMEND: 11-425, 22-001, 22-003,  
22-009, 45-302, 45-303, 45-304,  
45-305, 45-306  
12/15/09 AMEND: 70-104